

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 08/18/2022

ALLIANZ GLOBAL INVESTORS GMBH, et al.,

Plaintiffs,

v.

BANK OF AMERICA CORPORATION, et al.,

Defendants.

18 Civ. 10364 (LGS) (SDA)

~~PROPOSED~~ ORDER GRANTING SOCIÉTÉ GÉNÉRALE'S UNOPPOSED MOTION  
FOR ISSUANCE OF LETTER OF REQUEST FOR INTERNATIONAL JUDICIAL  
ASSISTANCE, APPOINTMENT OF COMMISSIONER, AND DIRECTION OF  
SUBMISSION OF HAGUE CONVENTION APPLICATION

The Court, having reviewed the papers submitted in support of Defendant Société Générale's ("SG") Unopposed Motion for Issuance of a Letter of Request for International Judicial Assistance, Appointment of Commissioner, and Direction of Submission of Hague Convention Application (the "Motion"), and finding it proper to issue a Letter of Request for International Judicial Assistance to authorize a commissioner in France (the "Request for Assistance") pursuant to 28 U.S.C. § 1781 and Chapter II of the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters, T.I.A.S. No. 7444, 23 U.S.T. 2555 (the "Hague Convention"),

HEREBY ORDERS THAT:

- (1) The Motion is GRANTED.
- (2) The form of Request for Assistance attached to the Declaration of James R. Warnot, Jr. as Exhibit B is hereby issued as the Court's Request for Assistance and is fully incorporated herein.

- (3) Pursuant to Article 17 of the Hague Convention, Mr. Alexander Blumrosen, whose address is Polaris Law at 4, Avenue Hoche, 75008 Paris, France (the “Commissioner”) is hereby duly appointed, pending the approval of the French Ministère de la Justice and subject to the terms of the Request for Assistance, as Commissioner to oversee the deposition of Arshia Emtiazi, SG’s designee for Plaintiffs’ notice of deposition pursuant to Federal Rule of Civil Procedure 30(b)(6).
- (4) This signed Order and signed Request for Assistance will be given to Linklaters LLP, counsel for SG, which will cause the Commissioner to file both documents, along with French translations of both documents, with the Ministère de la Justice, Direction des Affaires Civiles et du Sceau, Bureau de l’entraide civile et commerciale internationale (D3), 13, Place Vendôme, 75042 Paris Cedex 01, France.
- (5) SG will use its best efforts to promptly obtain the Ministère de la Justice’s approval of the Court’s Request for Assistance and appointment of the Commissioner.
- (6) The deposition will be conducted subject to the Stipulation and Second Amended Order of Confidentiality entered by the Court on February 24, 2021 (ECF. No. 767).
- (7) Any unresolved disputes between SG and Plaintiffs regarding the deposition shall be determined exclusively by this Court. The Commissioner will adhere to any such order issued by this Court relating to the deposition in the above-captioned action.

- (8) All costs of this Hague Convention process, including, without limitation, the fees of the Commissioner, translation fees for these motion papers, and any additional costs associated with the deposition, will be borne by SG. Each party will be responsible for the fees and expenses, if any, of its own attorneys relating to any proceedings arising from this Hague Convention process.
- (9) Neither this Order, the deposition pursuant to the Hague Convention, the participation of the Commissioner for data protection or Hague Convention purposes in the deposition, nor the terms of the Request for Assistance (which are incorporated into this Order) shall constitute or operate as a waiver of any argument, position, objection, allegation or claim or defense of any party in the above-captioned action, including any defense to personal jurisdiction that SG has raised or may otherwise have, or of the attorney-client privilege, the work product doctrine, or any other privileges, rights, protections or prohibitions that may apply to that evidence under the laws of France, the United States, or the State of New York.

Dated: New York, NY  
August 18, 2022

IT IS SO ORDERED.



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Stewart D. Aaron  
UNITED STATES MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ALLIANZ GLOBAL INVESTORS GMBH, et al.,  Plaintiffs,  v.  BANK OF AMERICA CORPORATION, et al.,  Defendants.	18 Civ. 10364 (LGS) (SDA)
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**LETTER OF REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE IN THE  
APPOINTMENT OF A COMMISSIONER PURSUANT TO THE HAGUE  
CONVENTION OF 18 MARCH 1970 ON THE TAKING OF EVIDENCE ABROAD IN  
CIVIL OR COMMERCIAL MATTERS**

A request is hereby made by the United States District Court for the Southern District of New York, at 500 Pearl St., New York, New York 10007, UNITED STATES OF AMERICA, to the Ministère de la Justice, Direction des Affaires Civiles et du Sceau, Bureau de l'entraide civile et commerciale internationale (D3), 13, Place Vendôme, 75042 Paris Cedex 01, FRANCE, for assistance in obtaining deposition discovery from Société Générale ("SG"), a defendant in the above-captioned action. This request is made pursuant to Chapter II of the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters (the "Hague Convention").

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| 1. Sender  | The Honorable Stewart D. Aaron<br>United States Magistrate Judge<br>United States District Court<br>Southern District of New York<br>500 Pearl Street<br>New York, New York 10007<br>UNITED STATES OF AMERICA |
| 2. Central Authority of the Requested State              | Ministère de la Justice<br>Direction des Affaires Civiles et du Sceau<br>Bureau de l'entraide civile et commerciale (D3)<br>13, Place Vendôme<br>75042 Paris Cedex 01<br>FRANCE                               |
| 3. Person to whom the executed request is to be returned | James R. Warnot, Jr.<br>Linklaters LLP<br>1290 Avenue of the Americas<br>New York, New York 10104<br>UNITED STATES OF AMERICA   |

SG also designates the appointed Commissioner, Mr. Alexander Blumrosen, to accept service of the Hague Convention authorization and notifications from the French governmental authorities related to the Hague Convention proceedings on SG's behalf. The Commissioner shall transmit such authorization and

notifications to counsel for Plaintiffs and SG simultaneously.

In conformity with Chapter II, Article 17 of the Hague Convention, the United States District Court for the Southern District of New York presents its compliments to the Ministère de la Justice and has the honor to submit the following request:

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| 4. Specification of the date by which the requesting authority requires receipt of the response to the Request for International Judicial Assistance (“Request for Assistance”) | The requesting authority would greatly appreciate a response to the Request for Assistance within 21 days or as soon thereafter as is practicable.   |
| 5. Requesting judicial authority  | United States District Court<br>Southern District of New York<br>500 Pearl Street<br>New York, New York 10007<br>UNITED STATES OF AMERICA  |
| 6. To the competent authority of  | The Republic of France   |
| 7. Name of the case and any identifying number  | Allianz Global Investors GmbH, <i>et al.</i> v. Bank of America Corporation, <i>et al.</i> , 1:18-cv-10364 (LGS) (SDA)   |
| 8. Names of Plaintiffs  | Allianz Global Investors GmbH and affiliated management companies and investment funds; Anchorage Capital Group, L.L.C. and affiliated investment funds; Första AP-fonden; Andra AP-fonden; Tredje AP-fonden; Fjarde AP-fonden; BlackRock, Inc. and affiliated investment funds; BlueCrest Capital Management Limited and affiliated investment funds; Brevan Howard Master Fund Limited and affiliated investment funds; California State Teachers’ Retirement System; PFA Pension, Forsikringsaktieselskab; Pacific Investment Management Company LLC and affiliated investment funds; Portigon AG; Erste Abwicklungsanstalt; Pension Reserves Investment Management Board of Massachusetts; and SEI Trust Company |

and affiliated investment funds  
(collectively, the “Plaintiffs”).

9. Names and addresses of Plaintiffs’  
representatives

**Anthony P. Alden**  
**Jeremy Daniel Andersen**  
Quinn Emanuel Urguhart & Sullivan  
865 S. Figueroa St., 10th floor  
Los Angeles, CA 90017  
(213 443-3000  
Fax: (213) 443-3100

**Daniel Lawrence Brockett**  
Quinn Emanuel  
51 Madison Avenue, 22nd Floor  
New York, NY 10010  
(212) 849-7000  
Fax: (212) 849 7100

10. Name of relevant Defendant

**Société Générale**

Registered Office:  
29 Boulevard Haussmann  
75009 Paris  
FRANCE

Administrative Offices:  
Tour Société Générale  
17 Cours de Valmy,  
92972 Paris-La Défense  
FRANCE

R.C.S. PARIS (Registration Number -  
Paris Commercial Registry): 552 120 222

11. Name and address of relevant  
Defendant’s representatives

James R. Warnot, Jr.  
Patrick C. Ashby  
Linklaters LLP  
1290 Avenue of the Americas  
New York, New York 10104  
UNITED STATES OF AMERICA

12. Nature and purpose of the  
proceedings and summary of the facts

Plaintiffs allege that SG and fifteen other  
financial institutions colluded to fix and  
manipulate prices in the foreign exchange  
market. Plaintiffs assert that Defendants’

alleged conspiracy encompassed, among other things: (1) collusion with respect to bid/ask spreads; (2) collusion with respect to the fixing of various benchmark rates, including the WM/Reuters benchmark rates and the ECB reference rate; and (3) other collusive conduct, in violation of U.S. federal antitrust laws and the common law doctrine that prohibits unjust enrichment. SG denies these claims in their entirety.

On March 2, 2022, Plaintiffs served a Notice of Rule 30(b)(6) Deposition to SG (the “Notice”). Federal Rule of Civil Procedure 30(b)(6) permits a party to depose a corporation, in which case the corporation “must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on its behalf . . . about information known or reasonably available to the organization.” SG has designated Arshia Emtiazi, an SG employee located in Paris, France, to testify on its behalf.

Pursuant to Rules 26 and 30 of the Federal Rules of Civil Procedure, SG served its responses and objections to the Notice on March 23, 2022 (the “Responses and Objections”). In the Responses and Objections, SG objected to the production of documents to the extent that such production would violate any applicable laws, including: (1) French Law No. 68-678 of July 26, 1968 relating to the Communication of Economic, Commercial, Industrial, Financial or Technical Documents and Information to Foreign Individuals or Legal Entities, as modified by Law No. 80-538 of July 16, 1980; (2) Article L. 511-33 of the French Monetary and Financial Code; (3) French Law No. 78-17 of January 1978 on Information Technology, Data Files and Civil Liberties, as amended by Law No. 2004-801 of August 6, 2004; and (4) the

European Union General Data Protection Regulation 2016/679.

13. Evidence to be obtained  
SG and Plaintiffs have narrowed the number of topics that will be addressed during the Rule 30(b)(6) deposition. Accordingly, only the following topics contained in the original Notice will now be addressed in the deposition: 8, 18, 20-26, 31, 35-41, and 46, inclusive. A copy of the Notice is attached hereto as Exhibit 1.
14. Whether the Plaintiffs and relevant Defendant have consented to discovery  
The parties have consented to the Rule 30(b)(6) deposition.
15. Special methods or procedure to be followed  
The deposition will be conducted subject to the Stipulation and Second Amended Order of Confidentiality entered by the Court on February 24, 2021 (ECF. No. 767). The parties reserve all rights to require conformity with the requirements under the Federal Rules of Civil Procedure.
16. Suggested Date by which the deadline must be completed  
The deadline for fact depositions is September 23, 2022 (ECF No. 1069). However, the parties have agreed to conduct the Rule 30(b)(6) deposition on September 15, 2022.
17. Specification of privilege or duty to refuse to produce under the law of the State of origin  
Neither this Request for Assistance, the deposition pursuant to the Hague Convention, nor the participation of the Commissioner for data protection or Hague Convention purposes in the deposition, shall waive, or be deemed or argued to have waived, the attorney-client privilege, the work product doctrine, or any other privileges, rights, protections or prohibitions that may apply to that evidence under the laws of France, the United States, or the State of New York.

18. Authority appointing Commissioner,  
pending approval of the Ministère de  
la Justice

United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007  
UNITED STATES OF AMERICA

19. Commissioner

Mr. Alexander Blumrosen  
Polaris Law  
4, Avenue Hoche  
75008 Paris, France  
T: + 33 1 43 18 02 60  
a.blumrosen@polarislaw.eu

Attached as Exhibit 2 hereto is the Order of  
the United States District Court for the  
Southern District of New York, appointing  
Mr. Alexander Blumrosen as  
Commissioner, pending the approval of the  
Ministère de la Justice.

20. Costs

All costs of this Hague Convention  
process, including, without limitation, the  
fees of the Commissioner, translation fees  
for these motion papers, and any additional  
costs associated with the deposition, will be  
borne by SG. Each party will be  
responsible for the fees and expenses, if  
any, of its own attorneys relating to any  
proceedings arising from this Hague  
Convention process.

This Court expresses its appreciation to the Ministère de la Justice for its courtesy and  
assistance in this matter.

Dated: New York, New York  
August 18, 2022



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Stewart D. Aaron  
United States Magistrate Judge